

1777 but not adopted until 1781, upon their face declare that they are a league, a covenant, a compact between separate, sovereign and independent States. They declare in the second article :

"Each State retains its sovereignty, freedom, independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the United States in Congress assembled."

How could the States retain what they never had? How could they delegate that over which they had no control? If the States were not sovereign then, how could they undertake to retain sovereignty, or to delegate sovereignty to anybody? That one proposition, and that one consideration, is a conclusive answer to the whole argument of the gentleman from Baltimore city, (Mr. Thomas,) upon this proposition.

Again, the Treaty of Peace between Great Britain and the United States declares :

"His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be *free, sovereign, and independent States*; that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, proprietary and territorial rights of the same, and every part thereof."

Not only that, but immediately after the Declaration of Independence, each State adopted laws in which they claimed to be sovereign and independent, and in which they claim the allegiance of every citizen residing within their borders. I hold in my hand the Resolutions of the Convention of New York, of July 16th, 1776, similar to those adopted by New Jersey and all the other States, in which it was declared "that all persons abiding within the State of New York, and desiring protection from the laws of the same, owe allegiance to the said laws, and are members of the State."

Maryland did the same thing. If other proof were wanting upon this subject, I would refer to the decision of the Supreme Court of the United States upon the effect of these laws. I refer to the decision in the case of *McIlvaine vs. Cox's lessee*, in 4 Cranch, where the Court says :

"It is a principle believed to be undeniable that the several States which compose this Union became entitled, from the

time when they declared themselves independent, to all the rights and powers of sovereign States, and that they did not derive them from concessions made by the British King. The treaty of peace was a *recognition* of their independence, not a *grant* of it. From hence it results that the laws of the several State governments were the *laws of sovereign States*, and as such were obligatory upon the people of such State, from the time they were enacted."

I shall now pass from the consideration of this first proposition with the single remark, that unless it is true that the States were sovereign and independent after the Declaration of Independence, then these acts of the States, the articles of confederation, and the treaty of peace, are broad lies spread upon the pages of history. If they are not lies, but truths, then the opposite doctrine that the States never had any existence prior to the adoption of the Constitution of the United States, but were the creatures of that instrument cannot be true, but must be false.

The second position is sustained by authorities equally *unquestioned*. Authentic history here also gives the same *undoubted testimony*. But this and the *third* position, I am admonished by the time limited for my remarks, must be considered together, and in connection with the theory of a *consolidated national* government so strenuously and boldly contended for by gentlemen on the *other side*. And in this part of the argument I shall *reverse* the order of proof, and call the attention of the Convention first to the opinions and doctrines of *modern statesmen and politicians*, and show that this idea of subordinating, belittling, subverting, and destroying the State governments and State rights is of more recent origin than many suppose.

Let me first refer to the last authentic declaration of what the Whig party held upon this subject. I refer to their resolutions adopted in 1852, in the Convention when General Scott was nominated for the Presidency, and before which the great name of Daniel Webster was presented as a candidate for that high office. What did they say upon this doctrine?

"That the Government of the United States is of a limited character, and it is confined to the exercise of powers expressly granted by the Constitution, and such as may be necessary and proper for carrying the granted powers into full execution; and that all powers not thus granted or neces-